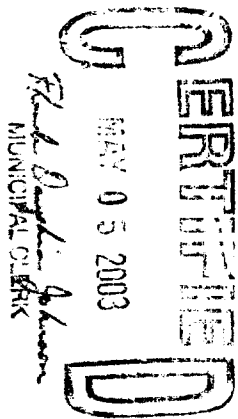


CLAIM OF: **ROBERT E. PURDUE**
through his attorney,
Sean J. McIlhinney
Duncan Square, Suite 203-A
1961 North Druid Hills Road
Atlanta, Georgia 30329

03- R-0638


For property damages alleged to have been sustained as a result of a sewer back up on February 22, 2002 at 2624 The Fountainebleau, SW.

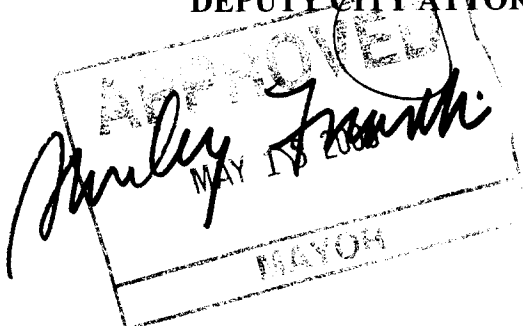
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:



BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **ROBERT E. PURDUE through his attorney, Sean J. McIlhinney** of **\$2,942.65** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained as a result of a sewer back up on February 22, 2002 at 2624 The Fountainebleau, SW as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: LINDA K. DISANTIS
CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



FAVORABLE REPORT

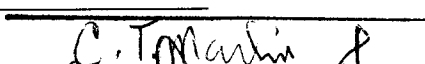
PUBLIC SAFETY &

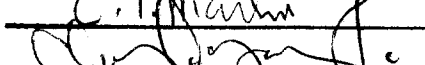
LEGAL ADMINISTRATION COMMITTEE


DATE: 4/29/03


CHAIR: 

























**MUNICIPAL CLERK
ATLANTA, GEORGIA**

02-R-0638

A RESOLUTION

**BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment **Robert E. Purdue, through his attorney, Sean J. McIlhinney** to in the sum of **\$2,942.65** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a **result of a sewer back up on February 22, 2002 at 2624 The Fountainebleau, SW** as is more particularly set forth in the within claim; said sum taken from and charged to Account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

Robert E. Perdue
2624 The Fontainebleau, SW
Atlanta, Georgia 30331-2709
April 30, 2002

BURNS
05/30/02
[Signature]



Mr. Jim Maddox, Councilman
Atlanta City Councilman
55 Trinity Avenue, SW
Suite 2900
Atlanta, Georgia 30335

ENTERED - 6-4-02 - SB
02L0389 - GWEN BURNS

Dear Honorable Maddox:

I am writing you because of a plumbing bill of \$2,942.65 that I incurred from Gene's Plumbing as a result of work that was done at my home in February, 2002 to relieve a water and sewer back up at my home. Gene's Plumbing indicated in person and in written communication to the Atlanta Public Works Department that the water and sewer back up at my home was due to an overgrown root on Atlanta's side of the street that caused the blockage and resulted in water and sewer back up in my home.

I have written two letters to Mr. Aaron Beckam, Maintenance Chief at Atlanta Public Works Department on March 29 and April 11, 2002, requesting that the City of Atlanta pay Gene's Plumbing the \$2,942.65. In my correspondence to Mr. Beckam, I included a copy of Gene's Plumbing cost invoice and a letter from Gene's Plumbing indicating that the sewer and water back-up resulted from the root blockage on the Atlanta's side of the street. I am enclosing copies of all correspondence.

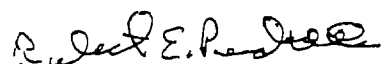
In a telephone conversation with Mr. Beckman he directed me to send the correspondence to him. As of this date, I have not heard from Mr. Beckam. Gene's Plumbing called me on Saturday, April 28, 2002 asking me about the payment of the bill.

My other concern is that the repairs Atlanta made to solve relieve the water and sewer back were only temporary, and the water and sewer back up could reoccur if the street is not dug up and the root completely removed. The Atlanta Public Work Department has not given any indication of when the permanent repairs would be done.

I would appreciate any assistance you could give me in getting the above issues resolved at your very earliest convenience.

You may call me at 404-344-8068.

Sincerely,


Robert E. Perdue

03- R -0638

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0389

Date: April 15, 2003

Claimant /Victim ROBERT E. PERDUE
 BY: (Atty) (Ins. Co.) SEAN J. MCILHINNEY, Esq.
 Address: 1961 North Druid Hills Road, Duncan Square, Suite 203-A, Atlanta , Georgia 30329
 Subrogation: Claim for Property damage \$ 2,942.65 Bodily Injury \$
 Date of Notice: 4/30/02 Method: Written, Proper X Improper
 Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
 Date of Occurrence 2/22/02 Place: 2624 The Fontainebleau, SW
 Department WATERSHED MANAGEMENT Division Sewer Operations
 Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained damages to his residence from a sewer back up. An investigation determined that the City had notice of the problem but failed to properly assess the problem as a City problem rather than a private problem. As a result, the Claimant incurred an unnecessary plumbing expense for the sewer repair


INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
 Pictures Diagrams Reports: Police Dept Report X Other X
 Traffic citations issued: City Driver Claimant Driver
 Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable X
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 2,942.65 Adverse Account charged: 1A01 2P01 2J01 X 2H01
 Claims Manager: *[Signature]* Concur/date 04-17-03
 Committee Action: Council Action



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

02-R-0638

A RESOLUTION

**BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment **Robert E. Purdue, through his attorney, Sean J. McIlhinney** to in the sum of **\$2,942.65** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a **result of a sewer back up on February 22, 2002 at 2624 The Fountainebleau, SW** as is more particularly set forth in the within claim; said sum taken from and charged to Account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

A handwritten signature in black ink, appearing to be "Sean J. McIlhinney", is written over the text "A true copy," and above the title "Deputy Clerk".

Deputy Clerk

**ADOPTED by the City Council
APPROVED by the Mayor**

May 5, 2003
May 13, 2003

RCS# 4709
5/05/03
6:24 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-15: Except 03-R-0616; 03-O-0672
03-R-0629; 03-O-0449
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

5/05/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda**Items Adversed on the
Consent Agenda**

- | | |
|---------------|---------------|
| 1. 03-O-0654 | 36. 03-R-0624 |
| 2. 03-O-0657 | 37. 03-R-0625 |
| 3. 03-O-0664 | 38. 03-R-0626 |
| 4. 03-O-0673 | 39. 03-R-0606 |
| 5. 03-O-0674 | 40. 03-R-0609 |
| 6. 03-O-0675 | 41. 03-R-0610 |
| 7. 03-O-0676 | 42. 03-R-0611 |
| 8. 03-O-0548 | 43. 03-R-0612 |
| 9. 03-O-0666 | 44. 03-R-0613 |
| 10. 03-O-0652 | 45. 03-R-0614 |
| 11. 03-O-0107 | 46. 03-R-0615 |
| 12. 03-O-0495 | 47. 03-R-0630 |
| 13. 03-O-0540 | 48. 03-R-0659 |
| 14. 03-O-0567 | 49. 03-R-0694 |
| 15. 03-O-0568 | 50. 03-R-0627 |
| 16. 03-O-0573 | 51. 03-R-0635 |
| 17. 03-O-0594 | 52. 03-R-0636 |
| 18. 03-O-0661 | 53. 03-R-0637 |
| 19. 02-O-0680 | 54. 03-R-0638 |
| 20. 03-O-0435 | 55. 03-R-0639 |
| 21. 03-O-0547 | 56. 03-R-0640 |
| 22. 03-R-0596 | 57. 03-R-0645 |
| 23. 03-R-0597 | |
| 24. 03-R-0599 | |
| 25. 03-R-0603 | |
| 26. 03-R-0604 | |
| 27. 03-R-0605 | |
| 28. 03-R-0607 | |
| 29. 03-R-0366 | |
| 30. 03-R-0618 | |
| 31. 03-R-0619 | |
| 32. 03-R-0620 | |
| 33. 03-R-0621 | |
| 34. 03-R-0622 | |
| 35. 03-R-0623 | |

58. 03-R-0641
59. 03-R-0642
60. 03-R-0643
61. 03-R-0644
62. 03-R-0646

Consent I Vote: 12Yeas; 0 Nays: (See RCS #4709) (1st Consent Vote: 13Yeas; 0 Nays
(See RCS #4667); Reconsidered:12 Yeas; 1 Nay (See RCS #4708))
Items Removed from the Consent Agenda: 03-R-0616; 03-O-0672; 03-R-0629; 03-O-0449